

5820

2015-2016 Regular Sessions

I N S E N A T E

June 4, 2015

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend chapter 524 of the laws of 1987, relating to establishing the Greater Poughkeepsie library district, in the city and town of Poughkeepsie, Dutchess county, in relation to the election of trustees and the annual budget of such library

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6 of chapter 524 of the laws of 1987, relating to
2 establishing the Greater Poughkeepsie library district, in the city and
3 town of Poughkeepsie, Dutchess county, as amended by chapter 361 of the
4 laws of 1997, is amended to read as follows:
5 S 6. (A) The district shall be governed by a board of trustees
6 consisting of eleven trustees. [The trustees of the Greater Poughkeepsie
7 library district as of the effective date of the chapter of the laws
8 of 1997 which added this provision shall become trustees, immediately,
9 of the Poughkeepsie public library district.] Seven of the trustees
10 shall be elected at an election to be held within the town and four of
11 the trustees shall be elected at an election to be held within the
12 portion of the district located in the city. The trustees elected at the
13 election in the town must be residents of the town and the trustees
14 elected in the city must be residents of the city.
15 (B) THERE SHALL BE AN ANNUAL ELECTION ON THE THIRD OR FOURTH TUESDAY
16 OF OCTOBER CONDUCTED BY THE BOARD OF TRUSTEES OF THE DISTRICT IN ACCORD-
17 ANCE WITH THE PROVISIONS OF THIS SECTION AT A TIME TO BE SET BY THE
18 BOARD OF TRUSTEES OF THE DISTRICT, AT WHICH ELECTION VACANCIES ON THE
19 BOARD OF TRUSTEES SHALL BE FILLED. THE BOARD OF TRUSTEES OF THE POUGH-
20 KEEPSIE PUBLIC LIBRARY DISTRICT SHALL GIVE NOTICE OF SUCH ELECTIONS BY
21 PUBLICATION OF NOTICE AT LEAST TWICE IN ONE OR MORE NEWSPAPERS HAVING A
22 GENERAL CIRCULATION IN THE DISTRICT TO BE SERVED. THE FIRST PUBLICATION
23 OF SUCH NOTICE SHALL BE NOT LESS THAN THIRTEEN DAYS AND NOT MORE THAN

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 TWENTY DAYS PRIOR TO THE DATE OF SUCH ELECTION. IN ADDITION, THE BOARD
2 OF TRUSTEES OF THE DISTRICT SHALL CAUSE COPIES OF SUCH NOTICE TO BE
3 POSTED CONSPICUOUSLY IN THREE PUBLIC PLACES IN THE DISTRICT AT LEAST
4 THIRTEEN DAYS PRIOR TO THE DATE OF SUCH ELECTION. SUCH NOTICE SHALL
5 SPECIFY THE DATE AND TIME WHEN AND THE PLACE WHERE SUCH ELECTION WILL BE
6 HELD. THE BOARD OF TRUSTEES SHALL DESIGNATE A RESIDENT QUALIFIED VOTER
7 OF SUCH DISTRICT TO ACT AS CHAIRPERSON OF ANY ELECTION OF SUCH DISTRICT
8 AND SHALL DESIGNATE NOT LESS THAN TWO NOR MORE THAN FOUR RESIDENT QUALI-
9 FIED VOTERS TO ACT AS ELECTION INSPECTORS AND BALLOT CLERKS AT SUCH
10 ELECTION. NO TRUSTEE OF THE POUGHKEEPSIE LIBRARY SHALL SERVE AS CHAIR-
11 PERSON OR AS AN ELECTION INSPECTOR OR BALLOT CLERK. THE BOARD OF TRUS-
12 TEES MAY ADOPT A RESOLUTION PROVIDING THAT SUCH CHAIRPERSON, ELECTION
13 INSPECTORS AND BALLOT CLERKS SHALL BE PAID REASONABLE COMPENSATION FOR
14 THEIR RESPECTIVE SERVICES AT SUCH ELECTION. EVERY VOTER WHO IS A RESI-
15 DENT OF THE DISTRICT AND OTHERWISE QUALIFIED TO VOTE AT A GENERAL
16 ELECTION IN THE TOWN OR CITY SHALL BE QUALIFIED TO VOTE AT SAID
17 ELECTION. THE BOARD OF TRUSTEES MAY, TO THE EXTENT AUTHORIZED BY LAW,
18 AUTHORIZE THE USE OF ABSENTEE BALLOTS FOR THE ELECTION. AFTER THE POLLS
19 HAVE CLOSED AT SUCH ELECTION, THE ELECTION INSPECTORS AND THE BALLOT
20 CLERKS SHALL IMMEDIATELY CANVASS PUBLICLY THE BALLOTS CAST AND THE
21 CHAIRPERSON OF THE ELECTION SHALL PUBLICLY ANNOUNCE THE RESULT. WITHIN
22 SEVENTY-TWO HOURS THEREAFTER, THE CHAIRPERSON, ELECTION INSPECTORS AND
23 BALLOT CLERKS SHALL EXECUTE AND FILE A CERTIFICATE OF THE RESULT OF THE
24 CANVASS WITH THE BOARD OF TRUSTEES OF THE LIBRARY AND THE TOWN AND CITY
25 CLERKS.

26 (C) CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES OF
27 THE POUGHKEEPSIE PUBLIC LIBRARY DISTRICT SHALL BE NOMINATED BY PETITION.
28 NO VACANCY TO BE FILLED ON THE BOARD OF TRUSTEES SHALL BE CONSIDERED A
29 SEPARATE, SPECIFIC OFFICE. A SEPARATE PETITION SHALL BE REQUIRED TO
30 NOMINATE EACH CANDIDATE FOR A VACANCY ON THE BOARD. EACH PETITION SHALL
31 BE DIRECTED TO THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LIBRARY,
32 SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE
33 DISTRICT, SHALL STATE THE RESIDENCE OF EACH SIGNER, AND SHALL STATE THE
34 NAME AND RESIDENCE OF THE CANDIDATE. IN THE EVENT THAT ANY SUCH NOMINEES
35 SHALL WITHDRAW THEIR CANDIDACY PRIOR TO THE ELECTION, SUCH PERSON SHALL
36 NOT BE CONSIDERED A CANDIDATE UNLESS A NEW PETITION NOMINATING SUCH
37 PERSON IN THE SAME MANNER AND WITHIN THE SAME TIME LIMITATION APPLICABLE
38 TO OTHER CANDIDATES IS FILED WITH THE SECRETARY OF THE BOARD OF TRUSTEES
39 OF THE LIBRARY. EACH PETITION SHALL BE FILED WITH THE SECRETARY OF THE
40 BOARD OF TRUSTEES OF THE LIBRARY, BETWEEN THE HOURS OF 9:00 A.M. AND
41 5:00 P.M., NOT LATER THAN THE THIRTIETH DAY BEFORE THE ELECTION AT WHICH
42 THE CANDIDATES NOMINATED ARE TO BE ELECTED.

43 (D) The trustees shall serve for a term of five years and until his or
44 her successor is elected and qualified. Two-thirds of the trustees shall
45 constitute a quorum. Action of the trustees shall require a two-thirds
46 vote of the entire board. Vacancies shall be filled by appointment by
47 the trustees[, provided, however, that an election shall be held at the
48 first available general election day after the happening of a vacancy].
49 The person or persons appointed by the trustees shall serve until a
50 successor is elected and qualified as provided herein. Vacancies for
51 trustees elected within the city shall be filled by city residents and
52 vacancies for trustees elected within the town shall be filled by town
53 residents.

54 S 2. Subdivision (b) of section 3 of chapter 524 of the laws of 1987,
55 relating to establishing the Greater Poughkeepsie library district, in

1 the city and town of Poughkeepsie, Dutchess county, as amended by chap-
2 ter 361 of the laws of 1997, is amended to read as follows:

3 (b) Commencing in 1997 for the budget to be prepared for fiscal year
4 1998 the proposed annual budget, and propositions of supplemental appro-
5 priations, if any, and a proposition for capital expenditure, if any,
6 for the district as established by the trustees shall be placed before
7 the voters in the general election ON THE SAME DAY AND BALLOT AS THE
8 GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH THE
9 RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS in
10 the year preceding the year for which the proposed budget has been
11 established. Each proposition for supplemental appropriation shall iden-
12 tify a singular purpose and specific dollar appropriation and shall be
13 worded in such a manner as to require an affirmative vote for passage.
14 All budget propositions, including the annual budget propositions for
15 supplemental appropriations, and propositions for capital expenditures
16 will require approval by a majority of voters in the city and, also, a
17 majority of voters in the town, hereinafter referred to as the majority.
18 Upon approval of such proposed operating budget, and of the proposition
19 for supplemental appropriations, and of the proposition authorizing
20 indebtedness for capital construction by the majority, the proposed
21 budget including the supplemental appropriations and capital revenues
22 and expenditures shall become the budget of the district for the follow-
23 ing fiscal year. In the event that the proposition for indebtedness is
24 approved by the majority, the city and the town shall incur such indebt-
25 edness on behalf of the district, and such indebtedness shall be appor-
26 tioned between the city and the town pursuant to the formula set forth
27 in this section. In the event that the proposed budget is not approved
28 by the majority, the proposed budget shall be deemed amended so that the
29 portion of the proposed budget providing for real property tax revenue
30 to be received from the city and town be changed to equal the real prop-
31 erty tax revenue provided for in the district budget in effect as of the
32 time of the vote as amended by the supplemental appropriations if
33 approved. In the event that a proposition for supplemental appropri-
34 ations or for capital purposes is not approved by the majority, no
35 appropriation shall be included for such unapproved proposition. In the
36 event that the voters do not approve the proposed budget as aforesaid,
37 and upon the proposed budget being deemed amended as aforesaid, the real
38 property taxes to be levied by the city and the town for the district
39 shall be levied in an amount required to provide the city and town
40 contribution as herein set forth rather than the city and town contrib-
41 ution as set forth in the proposed budget. After the annual budgets for
42 the city and the town have been adopted by the city and the town , the
43 city and town shall assess and levy upon the taxable real property with-
44 in the district the amounts to be raised by tax for the purposes of the
45 district as specified in the district's annual budget and shall cause
46 the amount so assessed and levied to be collected, in the same manner
47 and at the same time and by the same officers as city taxes and town
48 taxes are assessed, levied and collected.

49 S 3. This act shall take effect immediately.